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8/6/01
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IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

TERRY R. POWELL,

Petitioner

v.

ROBERT SHANNON, et al.,

Respondents

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CIVIL ACTION NO. 1:CV-00-2180

FILED
HARRISBURG, PA
(Judge Rambo)

AUG 06 2001

MARY E. D'ANDREA, CLERK
Per MA
Deputy Clerk

ORDER

NOW, THIS ^{6th} DAY OF AUGUST, 2001, upon consideration of the facts that: (1)


plaintiff, an inmate confined at the State Correctional Institution at Mahanoy in Frackville, Pennsylvania, filed a writ of habeas corpus pursuant to 28 U.S.C. § 2254; (2) along with his complaint, plaintiff also filed an application to proceed in forma pauperis which was granted by court order (Doc. 6) dated May 18, 2001 which also ordered respondent to show cause; (4) respondent filed response to habeas corpus petition on June 7, 2001 (Doc. 7); (5) petitioner filed a traverse on June 21, 2001; and (6) upon review of the record, it became apparent to the court that petitioner had filed two petitions for habeas corpus and respondent was served with only one petition¹, IT IS HEREBY ORDERED THAT:

1. The Clerk of Court is directed to open a new case for the second habeas petition;
2. Petitioner's application to proceed in forma pauperis is granted as to the second habeas petition;

¹Petitioner is challenging two separate convictions.

3. Once the second petition is assigned a new case number, the Clerk of Court is directed to serve a copy of the petition and this order by certified mail on the Attorney General of the Commonwealth of Pennsylvania and the District Attorney of Adams County.
4. Within 20 (twenty) days of the date of this order, Respondent shall answer the allegations in the petition for writ of habeas corpus. Consistent with Rule 5 of the Rules Governing §2254 Cases in the United States Courts, the answer shall:
 - (a) state whether the Petitioner has exhausted state remedies available under state law with respect to each claim presented, including any post-conviction remedies;
 - (b) be accompanied by those portions of any transcripts the Respondent deems relevant to disposing of the claims raised in the petition;
 - (c) indicate what other proceedings that might be relevant to the petition have been recorded but have not yet been transcribed;
 - (d) be accompanied by copies of any of the Petitioner's briefs on appeal, either from the judgment of conviction or from an adverse decision in a post-conviction proceeding; copies of any opinions of the appellate courts in those proceedings; and any PCRA petitions.
5. Respondent shall file a memorandum of law with the answer. The memorandum shall set forth the relevant facts and procedural history of the case, a recommended disposition of the petition, and citations to pertinent case law.

6. Petitioner shall, if he so desires file a reply brief within fifteen (15) days of receipt of the Respondent's filings.
7. A determination whether Petitioner should be produced for a hearing will be held in abeyance pending the filing of Respondent's answer and memorandum of law, and, if any, the Petitioner's reply.


SYLVIA H. RAMBO
United States District Judge

UNITED STATES DISTRICT COURT
FOR THE
MIDDLE DISTRICT OF PENNSYLVANIA

* * MAILING CERTIFICATE OF CLERK * *

August 6, 2001

Re: 1:00-cv-02180 Powell v. Shannon

True and correct copies of the attached were mailed by the clerk
to the following:

Terry R. Powell CT-9673
Mahanoy State Correctional Inst.
301 Morea Rd.
Frackville, PA 17931

Andrea F. McKenna, Esq.
Office of the Attorney General
Strawberry Sq. 16th Floor
Harrisburg, PA 17120 Fax No.: 717-787-6346

Adams County District Attorney's Office
Courthouse
111-117 Baltimore Street
Gettysburg, PA 17325

cc:

Judge	(X)	(X) Pro Se Law Clerk
Magistrate Judge	()	() INS
U.S. Marshal	()	() Jury Clerk
Probation	()	
U.S. Attorney	()	
Atty. for Deft.	()	
Defendant	()	
Warden	()	
Bureau of Prisons	()	
Ct Reporter	()	
Ctroom Deputy	()	
Orig-Security	()	
Federal Public Defender	()	
Summons Issued	()	with N/C attached to complt. and served by: U.S. Marshal () Pltf's Attorney ()
Standard Order 93-5	()	
Order to Show Cause	()	with Petition attached & mailed certified mail to: US Atty Gen () PA Atty Gen () DA of County () Respondents ()
Bankruptcy Court	()	
Other _____	()	

MARY E. D'ANDREA, Clerk

DATE: August 6th, 2001

BY: 
Deputy Clerk